

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JUAN MATIAS TORRES,

No. C 12-06224 YGR (PR)

Petitioner,

**ORDER GRANTING PETITIONER
LEAVE TO AMEND TO FILE
AMENDED MOTIONS FOR
DISCOVERY AND FOR AN
EVIDENTIARY HEARING;
TERMINATING REMAINING PENDING
MOTIONS; AND SETTING BRIEFING
SCHEDULE**

vs.

RALPH M. DIAZ, Acting Warden,

Respondent.

_____ /

Petitioner, a state prisoner proceeding *pro se*, has filed a writ of habeas corpus pursuant to 28 U.S.C. § 2254. Following an initial review of the petition, the Court ordered Respondent to show cause why the petition should not be granted. Respondent has filed an answer to the petition, and Petitioner has filed a traverse.

Currently pending before the Court are Petitioner's motions for discovery and for an evidentiary hearing (dkt. 17); his two documents entitled, "Request for Waiver of Requirements," (dks. 21, 27); and his motion for leave to file amended motions for discovery and for an evidentiary hearing (dkt. 29).

The Court GRANTS Petitioner's motion for leave to file amended motions for discovery and for an evidentiary hearing (dkt. 29). However, Petitioner has not attached his amended motions¹; therefore, the Court directs Petitioner to file amended motions for discovery and for an evidentiary hearing pursuant to the briefing schedule outlined below. Petitioner's previously filed motions for discovery and for an evidentiary hearing (dkt. 17) are DENIED as moot in light of the fact that he will be submitting amended motions.

Petitioner has also submitted two documents entitled, "Request for Waiver of Requirements." (Dks. 21, 27.) In both documents, Petitioner requests a waiver from the

¹ Petitioner has attached a document entitled, "[Proposed] Interrogatories on Amended Motion for Discovery;" however, this document does not suffice because it does not include his previous arguments from his original motions for discovery and for an evidentiary hearing.

1 requirement to serve Respondent's attorney with copies of certain documents that he has filed with
 2 the Court (dks. 20, 26). Because the Clerk of the Court has e-filed these documents, Respondent's
 3 attorney may access them through the Court's electronic filing system. Therefore, there is no need
 4 for Petitioner to send copies of these filings to Respondent's attorney. Therefore, Court GRANTS
 5 Petitioner's "Request for Waiver of Requirements." (Dkts. 21, 27.)

6 CONCLUSION

7 For the reasons stated above, the Court orders as follows:

8 1. The Court GRANTS Petitioner's motion for leave to file amended motions for
 9 discovery and for an evidentiary hearing (dkt. 29). The parties shall abide by the following briefing
 10 schedule:

11 a. No later than **twenty-eight (28) days** from the date of this Order, Petitioner
 12 shall file amended motions for discovery and for an evidentiary hearing;

13 b. Respondent shall file a response to Petitioner's amended motions no later than
 14 **fourteen (14) days** from the date the amended motions are filed;

15 c. Petitioner shall file his reply no later than **fourteen (14) days** after
 16 Respondent's response is filed.

17 2. Petitioner's previously filed motions for discovery and for an evidentiary hearing
 18 (dkt. 17) are DENIED as moot in light of the fact that he will be submitting amended motions.


19 3. The Court GRANTS Petitioner's "Request for Waiver of Requirements." (Dkts. 21,
 20 27.)

21 4. Extensions of time are not favored, though reasonable extensions will be granted.
 22 Any motion for an extension of time must be filed no later than **fourteen (14) days** prior to the
 23 deadline sought to be extended.

24 5. This Order terminates Docket Nos. 17, 21, 27 and 29.

25 IT IS SO ORDERED.

26 DATED: September 18, 2014


 YVONNE GONZALEZ ROGERS
 UNITED STATES DISTRICT COURT JUDGE